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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,322	12/12/2001	Christopher Dansie	3211.11	4354
21552	7590	02/21/2007		
MADSON & AUSTIN GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			EXAMINER NANO, SARGON N	
			ART UNIT 2157	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/21/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/015,322	DANSIE ET AL.	
	Examiner	Art Unit	
	Sargon N. Nano	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/7/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 - 16, 20 - 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 - 16, 20 - 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to amendment filed on Nov. 7, 2006. Claim 8 was amended, claims 21 – 22 were canceled. Claims 8 – 16 and 23 are pending examination .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 – 13, 15, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. U.S. Patent No. 6,314,565 (referred to hereafter as Kenner) in view of Krikorian U.S. Patent No. 5,726,909.

As to claim 8, Kenner teaches a method for providing an autonomous multimedia computing device, the method comprising:

storing a local copy of a configuration file and multimedia content on the autonomous computing device, wherein the configuration file comprises parameters and settings which determine how the autonomous multimedia computing devices operates (see col. 4 lines 54 – col. 5 line 7, Kenner discloses the configuration information are stored on the system);

polling a server at predetermined time intervals via a public Internet connection for updates to one or more processes, the local copy of the configuration file, and the

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multimedia content (see col. 4, lines 37 – 53; Kenner discloses the software updating tool analyzes and updates the multimedia software at the user's terminal);

in response to updates being available from the server, downloading one or more updates from the server, (see col. 4 lines 38 – 53; Kenner discloses downloading a script file from update service provider coupled to a network);

Kenner teaches the invention as mentioned above. Kenner does not explicitly teach “playing the multimedia content based on instructions contained within the local copy of the configuration file, wherein the configuration file defines a program that comprises one or more media files and priority and timing information for the one or more media files, and wherein playing the multimedia content comprises playing the one or more media files according to the priority and timing information”.

However, Krikorian teaches a continuous play broadcast of digitized files of musical selections and advertisement at given time intervals. Moreover, Krikorian teaches different format types or pattern of music are played at different times of the day. As an example, one such format of music may be desired for the morning and another for the afternoon, hence prioritizing the playing of the media files according to different times of the day (see col. 5 lines 34 – 38 and col. 6 lines 42). It would have been obvious to one of the ordinary skill in the art to incorporate the playing of media files according to priority and timing information in Kenner's invention as evidenced by Krikorian for the purpose of providing the end user the ability to customize either the content or the format of the continuous play system, thereby creating a desired atmosphere for the end user.

As to claim 9, Kenner teaches the method of claim 8, wherein storing comprises saving the local copy of the configuration file and the multimedia content to a storage device integrated with the computing device (see col. 6 lines 26 – 55).

As to claim 10, Kenner and Krikorian teach all the limitations in claim 8, and Kenner further teaches that polling comprises:
connecting to a server from within a firewall (see col.4 lines 38 - 53).

As to claim 11, Kenner teaches the method of claim 8, wherein polling comprises:
connecting to a server via a fault-prone network connection (see col.9 lines 15 - 29).

As to claim 12, Kenner teaches the method of claim 8, wherein polling further comprises:
reporting display statistics associated with the multimedia content (see col. 3 lines 54 - 63).

As to claim 13 Kenner teaches the method of claim 8, wherein downloading comprises:
streaming at least one update to the computing device prior to allowing access to the updates(see col.2 lines 40 - 55).

As to claim 15, Kenner teaches the method of claim 8, wherein the updates are downloaded via a fault-tolerant network connection which allows downloading of a file to resume once a broken network connection is re-established (see col. 9 lines 15 – 29).

As to claim 16, Kenner teaches the method of claim 8, wherein the multimedia content comprises interactive content allowing a user to interact with the computing device (see col.10 lines 5 – 29).

As to claim 23, Kenner teaches the method of claim 22, wherein the multimedia computing device is a multimedia display device, and wherein the multimedia content does not allow input from a user of the multimedia display device (see col. 2, line 56 – col. 3 line 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. U.S. Patent No. 6,314,565 (referred to hereafter as Kenner) in view of Krikorian U.S. Patent No. 5,726,909 and in further view of Hanzek U.S. Patent No. 6,980,963. (referred to hereafter as Hanzek).

Kenner and krikorian teach the invention as mentioned above. Neither Kenner nor Krikorian explicitly teaches the file is an extensible Markup Language (XML) format. However, Hanzek teaches an online system and method for consumer product having specific configuration where multimedia documents are created using multiple formats such as HTML and XML.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to include XML format in Kenner's invention because doing so, would allow to create customized tags, enabling the definition, transmission, validation and interpretation of data between applications and organizations (see Hanzek col. 7 line 44 – col. 8 line 3).

Response to Arguments

4. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano

Jan. 24, 2007


YVES DALENCOURT
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100